

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

CALIFORNIANS FOR DISABILITY RIGHTS,  
INC. ("CDR"), CALIFORNIA  
COUNCIL OF THE BLIND ("CCB"), BEN  
ROCKWELL, AND DMITRI BELSER, on behalf  
of all others similarly situated,

Case No: C 06-5125SBA

## **ORDER CLARIFYING ORDER RE MOTIONS IN LIMINE**

[Docket 373]

**Plaintiffs,**

vs.

CALIFORNIA DEPARTMENT OF  
TRANSPORTATION ("CALTRANS") and  
WILL KEMPTON, in his official capacity,

Defendant.

On August 4, 2009, this Court issued an Order Re Motion in Limine which stated, in relevant part, as follows: "All motions in limine and any opposition thereto shall be set forth in a single memorandum, not to exceed 15 pages in length." The parties evidently cannot agree on the meaning on scope of that Order. Accordingly, the Court provides the following clarification:

1. The Court's prior Order does not limit the parties to one motion in limine per side. The parties may file one or more motions in limine. However, all such motions shall be set forth in a single memorandum, not to exceed 15 pages in length. That page limit does not include supporting documents, such as declarations. Each party's opposition to the motions in limine shall likewise be set forth in a single memorandum, not to exceed 15 pages.

2. Defendants have requested, in the alternative, leave to file a brief in support of their motion(s) in limine in excess of 15 pages. This request is unsupported by any specific facts demonstrating that such leave is warranted. Merely stating that the case is "complex" is insufficient.

1       3.     Before either side files any motion in limine or any other motion or request with the  
2 Court, the parties must meet and confer in person or by telephone in an attempt to resolve their  
3 dispute without judicial intervention. Each motion and/or request must include a certification from  
4 counsel confirming compliance with this requirement. The Court will not consider any motion or  
5 request submitted without such certification.

6       IT IS SO ORDERED.

7       Dated: August 18, 2009

*Saundra B. Armstrong*  
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SAUNDRA BROWN ARMSTRONG  
United States District Judge

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